

SMB

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 15 AM 9:33

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose PADILLA-Rodriguez  
(AKA: Jose PEREZ-Sarmiento)

Defendant.

Magistrate Case No. 08 MJ 2151

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

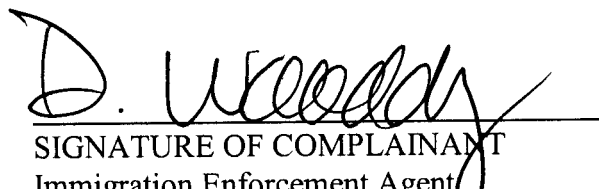
DEPUTY

Title 8, U.S.C., Section 1326;  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about, **January 28, 2008**, within the Southern District of California, defendant, **Jose PADILLA-Rodriguez (AKA: Jose PEREZ-Sarmiento)**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Immigration Enforcement Agent  
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF **July 2008**.

  
UNITED STATES MAGISTRATE JUDGE

**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**

**PROBABLE CAUSE STATEMENT**

On January 28, 2008, the defendant identified as Jose PADILLA-Rodriguez (AKA: Jose PEREZ-Sarmiento) was arrested by the Oceanside Police Department for violation of Vehicle Code 23152(A) "DUI ALCOHOL/DRUGS" and booked into county jail. While in the custody of county jail, an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release. On July 14, 2008, the defendant was referred to the custody of Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks confirming the defendant to be a citizen of Mexico having been previously removed from the United States on at least six occasions.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was ordered removed from the United States by an Immigration Judge on or about July 18, 2005 and removed that same day to Mexico via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed the defendant's identity as Jose PADILLA-Rodriguez a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.